

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

***CONTINUED FROM MARCH 29, 2004 REGULAR MEETING***

**SUBJECT:** REQUEST FOR 1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET AND; 2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (JOSEPH CLARK, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Rich Steiger **EXT.** 7936

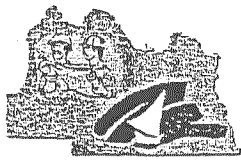
**Agenda Date** 04-26-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR 1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 AND; 2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (JOSEPH CLARK, APPLICANT); OR
2. **DENY** THE REQUEST FOR 1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 AND; 2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 6 FEET FOR AN EXISTING SHED IN THE R-1 (SINGLE FAMILY DWELLING DISTRICT); (JOSEPH CLARK, APPLICANT).
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: JOSEPH CLARK LOCATION: 5102 OAK HILL DRIVE ZONING: R-1 (SINGLE FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED A 432 SF (24 X 18) ACCESSORY STRUCTURE THAT ENCROACHES INTO BOTH THE REAR AND SIDE YARDS; A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DIVISION WAS SUBSEQUENTLY ISSUED.</li> <li>• THE ACCESSORY STRUCTURE ENCROACHES 20 FEET INTO THE MINIMUM REAR YARD SETBACK AND 1.5 FEET INTO THE MINIMUM SIDE YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT HAS FAILED TO DEMONSTRATE A</li> </ul>

	<p>HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.</p> <ul style="list-style-type: none"><li>• THE REQUESTED VARIANCES ARE NOT THE MINIMUM THAT WOULD ENSURE REASONABLE USE OF THE PROPERTY. THE OPPORTUNITY EXISTS TO RELOCATE THE STRUCTURE TO COMPLY WITH THE SIDE AND REAR YARD SETBACKS.</li><li>• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER PROPERTIES IN THE GOLDEN ROD MANOR SUBDIVISION, BY ALLOWING ENCROACHMENT INTO THE REAR AND SIDE YARDS WITHOUT THE DEMONSTRATION OF A SPECIAL CIRCUMSTANCE OR HARDSHIP.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED, AS DEPICTED ON THE ATTACHED SITE PLAN</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 657-9568 FAX  
APPL. NO. BV2004-021

**COPY**

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

**APPLICATION TYPE:**

- ☒ **VARIANCE** SIDEYARD (SOUTH) SETBACK VARIANCE  
FROM 7.5' TO 6' FOR EXISTING SHED
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ **EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT**
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>JOSEPH S. CLARK</u>	
ADDRESS	<u>5102 OAK HILL DR.</u>	
	<u>WINTER PARK, FL 32792</u>	
PHONE 1	<u>407-657-9568</u>	
PHONE 2	<u>321-228-5090</u>	
E-MAIL	<u>JCLARK@PRICEBUILDING.COM</u>	

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

CURRENT USE OF PROPERTY: RESIDENCE

LEGAL DESCRIPTION: LEG 5.50 FT of LOT 24 + N 25 FT of LOT 25  
GOLDENROD MANOR PB 11 PG 40

SIZE OF PROPERTY: 0.125 acre(s) PARCEL I.D. 35-21-30-505-0000-0240

UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS SC LDC CHAPTER 30, SECTION 30.186(a)(

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 3/29/04  
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole  
County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within  
this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT\*

DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

# ADDITIONAL VARIANCES

VARIANCE 2:

REAR YARD SET BACK VARIANCE FROM  
30' TO 10' FOR EXISTING SHED.

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$200

COMMISSION DISTRICT

1

FLU/ZONING

LDR/R1

LOCATION FURTHER DESCRIBED AS

LOCATED ON THE WEST SIDE OF  
OAK HILL DR. APPROX. 720' FEET N. FROM THE INTERSECTION  
WITH CITRUS AVE.

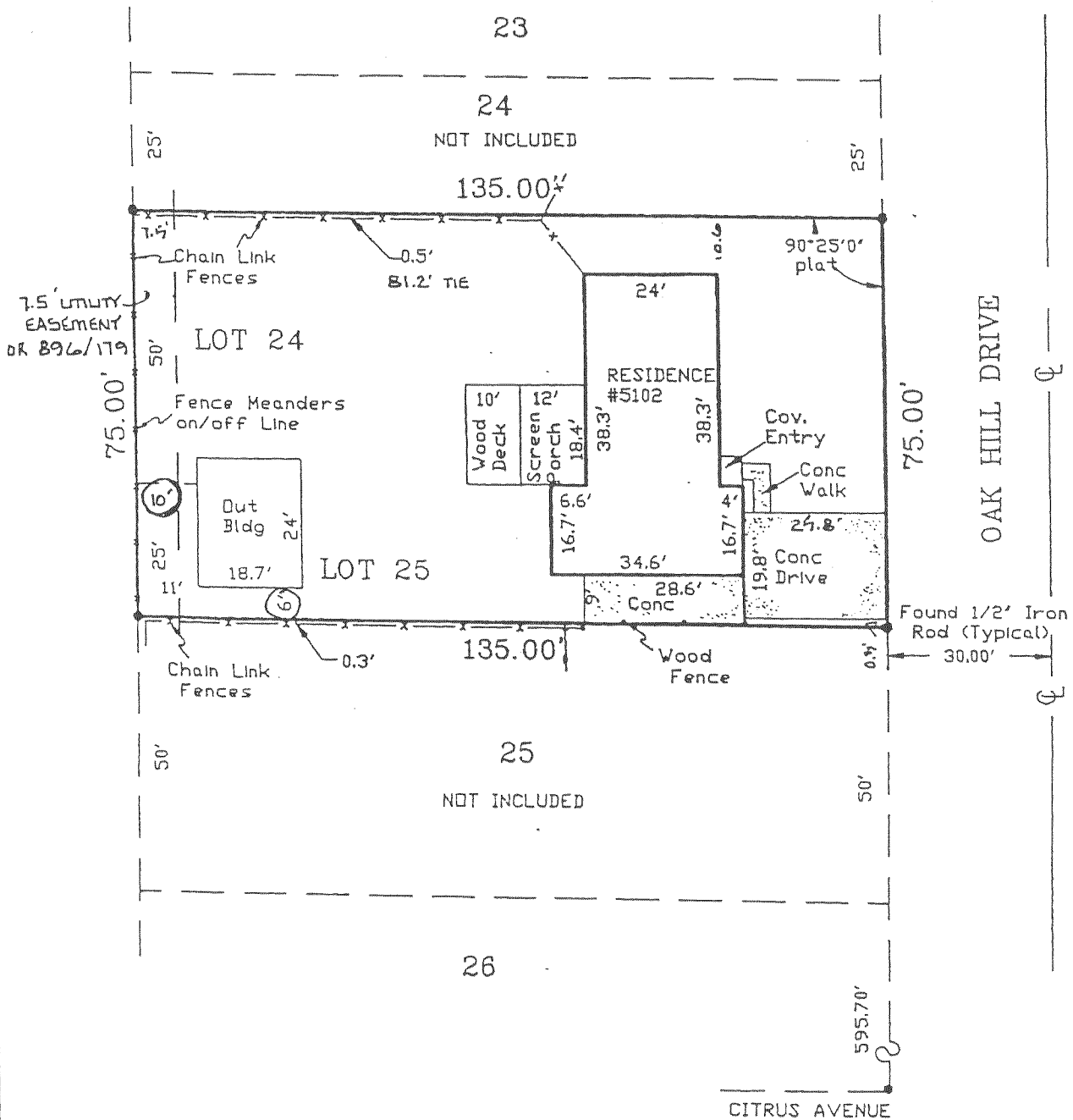
PLANNER VB

DATE

2/05/04

SUFFICIENCY COMMENTS


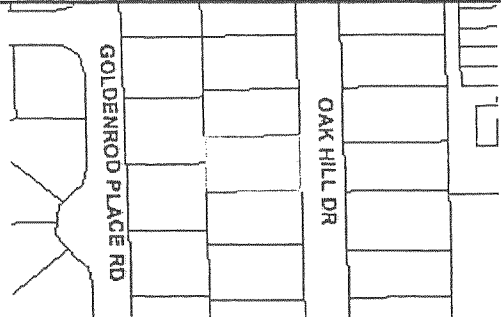
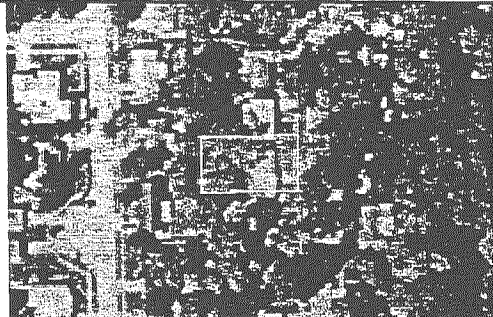
THE NORTH 25 FEET OF LOT 25  
AND THE SOUTH 50 FEET OF LOT 24.  
**GOLDEN ROD MANOR.**  
 AS RECORDED IN PLAT BOOK 11, PAGE 40,  
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



**NOTES:**

1. ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAPS

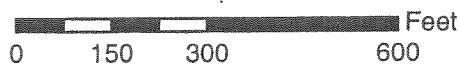
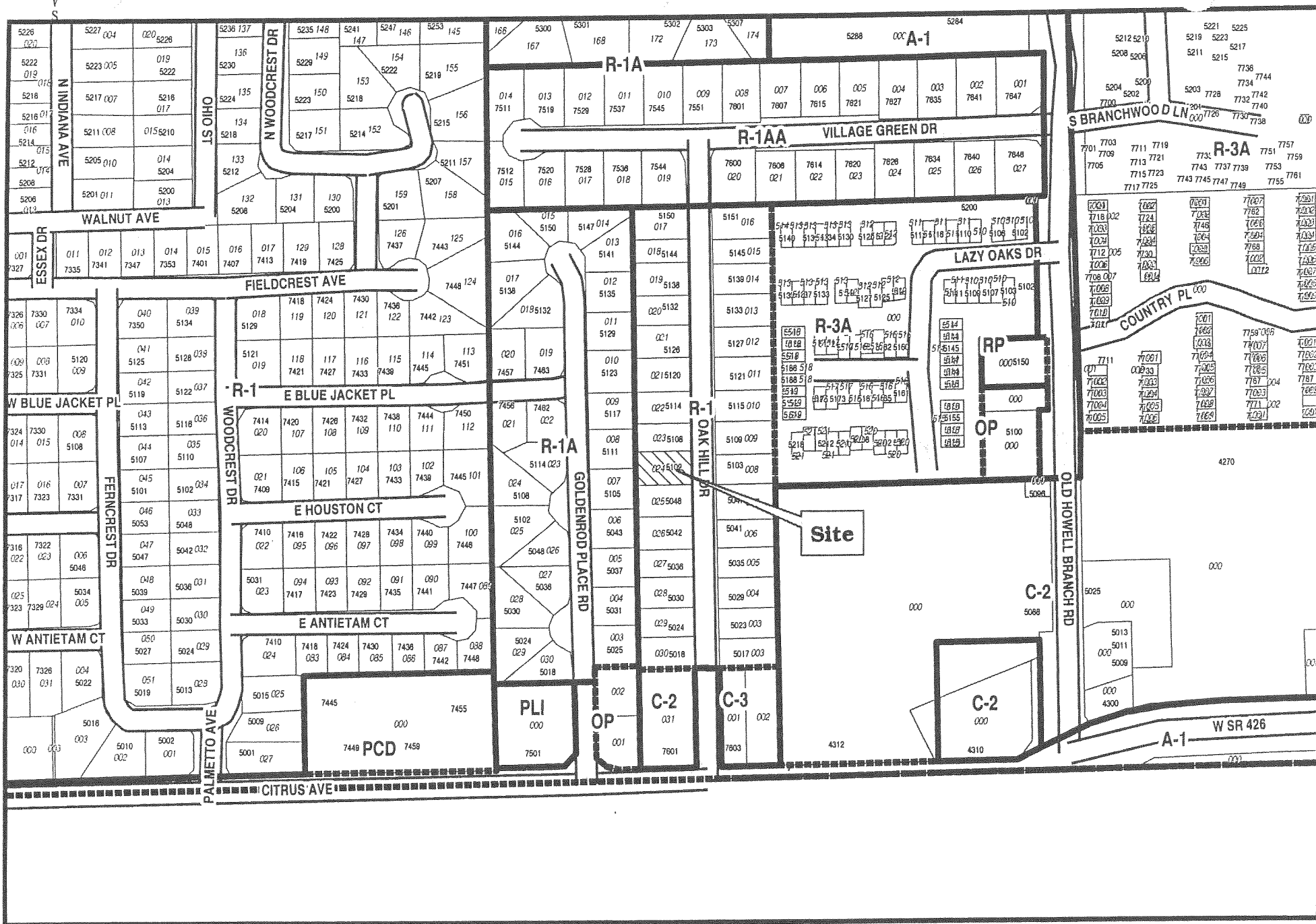
I HEREBY CERTIFY THAT THIS PROJECT IS A SURVEY

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROD	SATES SEARCH	◀ ◁ Back ▷ ▶																																				
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																									
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 35-21-30-505-0000-0240      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CLARK JOSEPH S JR      Exemptions: 00-HOMESTEAD</p> <p>Address: 5102 OAK HILL DR</p> <p>City,State,ZipCode: WINTER PARK FL 32792</p> <p>Property Address: 5102 OAK HILL DR WINTER PARK 32792</p> <p>Subdivision Name: GOLDEN ROD MANOR</p> <p>Dor: 01-SINGLE FAMILY</p>				<p align="center"><b>2004 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$61,097</p> <p>Depreciated EXFT Value: \$928</p> <p>Land Value (Market): \$13,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$75,025</p> <p>Assessed Value (SOH): \$63,981</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$38,981</p>																																					
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>02/2001</td> <td>04014</td> <td>1119</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>01/1993</td> <td>02541</td> <td>1666</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>02/1987</td> <td>01837</td> <td>0123</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/1984</td> <td>01582</td> <td>0675</td> <td>\$55,900</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1980</td> <td>01273</td> <td>0832</td> <td>\$51,900</td> <td>Improved</td> </tr> </tbody> </table> <p align="center">Find Comparable Sales within this Subdivision</p>				Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	02/2001	04014	1119	\$100	Improved	QUIT CLAIM DEED	01/1993	02541	1666	\$100	Improved	QUIT CLAIM DEED	02/1987	01837	0123	\$100	Improved	WARRANTY DEED	09/1984	01582	0675	\$55,900	Improved	WARRANTY DEED	04/1980	01273	0832	\$51,900	Improved	<p align="center"><b>2003 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$867</p> <p>2003 Tax Bill Amount: \$643</p> <p>Savings Due To SOH: \$224</p> <p>2003 Taxable Value: \$37,481</p> <p align="center">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>	
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									





Joseph D. Clark  
5102 Oak Hill Drive



# WARNING NOTICE OF CODE VIOLATION

ISSUED TO: Joseph S Clark Jr

IN ACCORDANCE WITH SEMINOLE COUNTY CODES, YOU ARE HEREBY NOTIFIED THAT THE PROPERTY  
LOCATED AT: 5102 Oak Hill Dr

IS IN VIOLATION OF SEC. 95.4 OF THE SEMINOLE COUNTY CODE, AS DEFINED IN SEC. 95.3 AND DESCRIBED AS:

- ☐ Unsecured pool (for pool enclosure specifications, contact the Building Department at (407) 665-7050)
- ☐ Unusable or abandoned furniture
- ☐ Unusable or abandoned stoves and appliances or other white goods
- ☐ Trash and debris
- ☐ Uncultivated vegetation (i.e., weeds/grass over 24 inches in height and within 75 ft of a structure)
- ☐ The remains or rubble of structures which have been burned, stricken by other casualty, or demolished
- ☐ Used or scrap building materials
- ☐ Junked or abandoned vehicles; provided, however, that a junked vehicle kept within an enclosed garage or attached carport shall not be deemed a violation
- ☐ Other objectionable, unsightly, or unsanitary matter, substance, or material tending by its existence and/or accumulation to endanger or adversely affect the health, safety, lives, and/or welfare of the citizens of the County

☒ Other: Code/Section: SCLDC Chapter 30, Section 30.186(a)(3)

Described as: In R1 zoning the minimum rear setback is 30'.

(Zoning Dept. to apply for variance by 2-6-04 at 407-665-7444)

CORRECTIVE ACTION REQUIRED: Remove, relocate or apply for variance on the  
accessory structure & canopy awning at rear of property.

FAILURE TO CORRECT THE VIOLATION BY 2-6-04 or 2-27-04 MAY RESULT IN THE ISSUANCE OF A CITATION  
AND/OR THE MATTER MAY BE TURNED OVER TO THE CODE ENFORCEMENT BOARD.

PURSUANT TO SECTION 162.09 (2) (a) FLORIDA STATE STATUTE: THE CODE ENFORCEMENT BOARD HAS THE POWER  
TO LEVY FINES UP TO \$250.00 A DAY, \$500.00 A DAY FOR REPEAT VIOLATION AND UP TO \$5,000.00 FOR AN  
IRREPARABLE OR IRREVERSIBLE VIOLATION.

CHAPTER 162 SECTION 162.06 (2) FLORIDA STATE STATUTE STATES: "IF THE VIOLATION IS CORRECTED AND THEN  
RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED FOR CORRECTION BY THE CODE  
INSPECTOR, THE CASE MAY BE PRESENTED TO THE ENFORCEMENT BOARD EVEN IF THE VIOLATION HAS BEEN  
CORRECTED PRIOR TO THE BOARD HEARING."

DATE 1-28-04 OFFICER Donna Wismiewski CASE # 2004CED00067 (407) 623-1047

SEMINOLE COUNTY SHERIFF'S OFFICE  
100 BUSH BLVD  
ANFORD, FL 32773  
(407) 665-6650





## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG S 50 FT OF LOT 24 + N 25 FT OF LOT 25 GOLDEN ROD MANOR

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

## **FINDINGS OF FACT**

**Property Owner:** JOSEPH CLARK  
5102 OAK HILL DRIVE  
WINTER PARK, FL 32792

**Project Name:** OAK HILL DRIVE (5102)

### **Requested Development Approval:**

- 1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET; AND
- 2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 6 FEET FOR AN EXISTING SHED AS DEPICTED ON THE ATTACHED SITE PLAN

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Rich Steiger, Planner  
1101 East First Street  
Sanford, Florida 32771

**Order**

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

a) The variance granted shall apply only to the existing shed as shown on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: